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Mar 3, 2022

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PO Box 83720
Boise Idaho 83720-0074

2022 MAR -9 AM 9:48

IDAHO PUBLIC
UTILITIES COMMISSION

Dear Idaho Public Utility Commission

I, Miriam Hayman am reporting unjust and unreasonable behavior against Karen Erickson by Idaho Power that I witnessed on 2/25/22. I am aware that Karen has requested and been denied ADA provisions for many years. The ADA is a Federal Law and I witnessed an Idaho Power Representative ignore and deny her ADA request.

I witnessed at approximately 10:10am, a representative by the name of Dan, from Idaho Power, meet with Karen at her home at 311 Almond Street, Nampa, in order to address the ADA compliance issues Karen had been wrongfully been experiencing. It was immediately apparent that Idaho Power did not want to listen to Karen's very fair and reasonable request for ADA provisions and as a result, Idaho Power violating Federal Law. Upon arrival, Dan confirmed that there was no ADA regulators available to address the situation. Dan claimed to know nothing about the ADA compliance issue and claimed to be unaware that this was Federal Law, even though Dan and Karen had previously discussed this in their prior meeting. Dan acknowledged that Karen's 8 years of requests have all been ignored.

As the Public Utilities Commission I would expect that you would be concerned about public safety and access including disability discrimination by Idaho Utilities, Violations of State Law by Public Utilities and Violations of Federal Law by Public Utilities.

Withholding essential public services, like public utilities, from disabled adults is dangerous, illegal, unfair and unjust. Please investigate.

I am not contacting you solely in regards to Karen's case alone, but for any and all Idaho residents that require ADA provisions. Adults with disabilities have the right to request ADA accommodations.

I have lived in many other states, and in all these states, they followed the Federal ADA Laws, and I am simply requesting Idaho enforce these Federal Laws. These laws are in place to help and protect some of our most vulnerable United States citizens, those living with disabilities. Disabled people have rights too.

Below is a list of Idaho statutes. I summarized them on top and provided full text for context at the end making key words bold.

I have already sent you Federal ADA Law.

1. Your authority to complain: 61-612 COMPLAINT AGAINST UTILITY: any person may complain in writing about a violation of Law by a Public Utility.

61-334A. REMEDIES FOR VIOLATION OF THIS ACT : Any consumer whose rights under this act shall be violated or threatened with violation may file a complaint with the commission

1. Specific Violations:

61-302. MAINTENANCE OF ADEQUATE SERVICE: public utilities are supposed to promote the safety, health, comfort and convenience for customers and be adequate, efficient, just and reasonable

61-303. RULES AND REGULATIONS JUST AND REASONABLE service to the public shall be just and reasonable.

61-315. DISCRIMINATION AND PREFERENCE PROHIBITED. No public utility shall establish or maintain any unreasonable difference as to service (this is not very specific, but may apply to discriminatory treatment of disabled adults)

61-702. NONCOMPLIANCE WITH LAW — LIABILITY FOR DAMAGE. Utilities cannot commit illegal acts.

***** full text of Idaho Statutes*****

<https://legislature.idaho.gov/statutesrules/idstat/title61/>

61-612. COMPLAINT AGAINST UTILITY. Complaint may be made by the commission of its own motion or by any corporation or **person**, chamber of commerce, board of trade, or any civic, commercial, mercantile, traffic, agricultural or manufacturing association or organization or any body politic or municipal corporation, by petition or **complaint in writing**, setting forth any act or thing done or omitted to be done by any public utility including any rule, regulation or charge heretofore established or fixed by or for any public utility, in violation, or claimed to be in **violation of any provision of law** or of any order or rule of the commission: provided, that no complaint shall be entertained by the commission, except upon its own motion, as to the reasonableness of any rate or charges of any gas, electrical, water or telephone corporation, unless the same be signed by the mayor or the president or chairman of the board of trustees or a majority of the council, commission or other legislative body of the city or county or city or town, if any, within which the alleged violation occurred, or not less than 25 consumers or purchasers or prospective consumers or purchasers of such gas, electricity, water or telephone service.

61-334A. REMEDIES FOR VIOLATION OF THIS ACT. (1) Any electric supplier or **consumer** whose rights under this act shall be **violated or threatened with violation** may file a **complaint with the commission** against an electric supplier and any other person responsible for the violation.

(2) After notice and opportunity for hearing, the commission shall make findings of fact and conclusions of law determining whether this act or any orders issued under this act have been violated or threatened to be violated and shall determine whether there is actual or threatened irreparable injury as to the electric supplier or consumer whose rights are violated or threatened with violation as a basis for granting relief.

(3) The relief to be granted under this section for violation of this act shall forbid further acts in violation of such orders, shall order the removal of any electric connections, facilities or equipment that constitute the violation, or a combination thereof necessary to enforce compliance with this act.

61-302. MAINTENANCE OF ADEQUATE SERVICE. Every public utility shall furnish, provide and maintain such service, instrumentalities, equipment and facilities as **shall promote the safety, health, comfort and convenience** of its patrons, employees and the public, and as shall be in all respects **adequate, efficient, just and reasonable**.

61-303. RULES AND REGULATIONS JUST AND REASONABLE. All rules and regulations made by a public utility affecting or pertaining to its charges or **service** to the public shall be **just and reasonable**.

61-702. NONCOMPLIANCE WITH LAW — LIABILITY FOR DAMAGE. In case any public utility shall do, cause to be done or permit to be done, any act, matter or thing prohibited, forbidden or declared to be **unlawful**, or shall omit to do any act, matter or thing required to be done, either by the **constitution**, any law of this state, or any order or decision of the commission, according to the terms of this act, such public utility shall be liable to the persons or corporations affected thereby for all loss, damages or injury caused thereby or resulting therefrom. An action to recover such loss, damage or injury may be brought in any court of competent jurisdiction by any corporation or person.

61-708. RESPONSIBILITY FOR VIOLATION BY EMPLOYEES. In construing and enforcing the provisions of this act relating to penalties, the act, omission or failure of any officer, agent or employee of any public utility, acting within the scope of his official duties or employment, shall in every case be and be deemed to be the act, omission or failure of such public utility.

61-315. DISCRIMINATION AND PREFERENCE PROHIBITED. No public utility shall, as to rates, charges, service, facilities or in any other respect, make or grant any preference or advantage to any corporation or person or subject any corporation or person to any prejudice or disadvantage. No public utility shall establish or maintain any unreasonable difference as to rates, charges, service, facilities or in any other respect, either as between localities or as between classes of service. The commission shall have the power to determine any question of fact arising under this section.

61-709. PENALTY FOR VIOLATIONS BY OFFICERS AND EMPLOYEES. Every officer, agent or employee of any public utility, who violates or fails to comply with, or who procures, aids or abets any violation by any public utility of any provision of the constitution of this state or of this act, or who fails to obey, observe or comply with any order, decision, rule, direction, demand or requirement or any part or provision thereof,

of the commission under the provisions of this act, or who procures, aids or abets any public utility in its failure to obey, observe and comply with any such order, decision, rule, direction, demand or requirement, or any part or provision thereof, in a case in which a penalty has not hereinbefore been provided for, such officer, agent or employee, is guilty of a misdemeanor and is punishable by a fine not exceeding \$1000, or by imprisonment in a county jail not exceeding one (1) year, or by both such fine and imprisonment.

61-707. CONTINUING VIOLATION. Every violation of the provisions of this act or of any order, decision, decree, rule, direction, demand or requirement of the commission, under the provisions of this act, or any part or portion thereof, by any public utility, corporation or person is a separate and distinct offense, and in case of a continuing violation **each day's continuance thereof shall be and be deemed to be a separate and distinct offense.** (this means a new violation occurs every day that the violation is not corrected).

Please investigate the issues we have with ADA compliance here in Idaho, to enforce and follow Federal Laws.

Please feel free to contact me with any question or concerns of what I have witnessed.

Thank you for your help,



Miriam Hayman

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